

Notice of Allowability

Application No.

10/500,421

Applicant(s)

SHIH, HSUAN-MING

Examiner

Tammara R. Peyton

Art Unit

2182

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE filed 7/5/07 and spoke to Applicant's Attorney 7/11/07.
2. ☒ The allowed claim(s) is/are 23,24 and 26-32.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

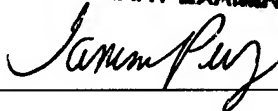
4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

TAMMARA PEYTON
PRIMARY EXAMINER



Election/Restrictions

Restriction to one of the following inventions is requirement under 35 U.S.C. 121:

I. Claims 23, 24, 26-32 are directed to a portable data converting and processing device with standard data interface, comprising a standard data interface connector and a data processing controller, characterized in that said standard data interface connector is integrated with said data processing controller to form a body unit, the body unit does not include any built-in flash memory, an electric interface is set in the body unit to connect to an external unit; said data processing controller comprises a conversion-controller which is an infrared receiving/transmitting module, a multi-functional processor formed by combination of MMC card processor, a SD card processor, a CF card processor, a MD card processor, a SMC card processor, and IBM Micro Drive processor and has a converting circuit which supports MMC card, SD card, CF card, MD card, SMC card, and flash storage medium UF1 to UF8; said external unit comprises a data storage device; said data storage device is a non-losable storage device, classified in class 710, subclass 13.

II. Claims 34-37, are directed to a portable data converting and processing device with standard data interface, comprising a standard data interface connector and a data processing controller, characterized in that said standard data interface connector is integrated with said data processing controller to form a body unit, an electric interface is set in the body unit to connect to an external unit; said data processing controller comprises a conversion-controller which is an infrared receiving/transmitting module, a RF processor, or a combination of an infrared receiving/transmitting module and a RF processor; said external unit comprises a data storage

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device; said data storage device is a non-losable storage device, classified in class 710, subclass 8.

Inventions I and II, are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, Invention II has separate utility such as "said data processing controller comprises a conversion-controller which is an infrared receiving/transmitting module, a RF processor, or a combination of an infrared receiving/transmitting module and a RF processor; said external unit comprises a data storage device; said data storage device is a non-losable storage device", See MPEP j 806.05(d).

EXAMINER'S AMENDMENT AND REASON FOR ALLOWANCE

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

The application has been amended as follows:

Pursuant to MPEP 606.01, the title has been changed to read:

--PORTABLE DATA CONVERTING AND PROCESSING STORAGE DEVICE WITH
STANDARD INTERFACE WHEREIN THE BODY UNITY DOES NOT INCLUDE ANY BUILT-IN
FLASH MEMORY --

A call was placed to Applicant's Attorney Jiawei Huang, Reg. No. 43, 330, on 07/11/07 informing Applicant of Examiner's restriction of claims **23, 24, 26-32** and **34-37** as Inventions I and II related as subcombinations disclosed as usable together in a single combination. Attorney Jiawei Huang agreed to elect over the phone Invention I without traverse and also agreed to canceling the claims of Invention II (**34-37**) without traverse, wherein these claims can be filed in a continuation or divisional application. The following changes to claims **34-37** have been approved by Examiner and agreed upon by Attorney Jiawei Huang.

The application has been amended as follows:

CLAIM 34 (CANCELED)

CLAIM 35 (CANCELED)

CLAIM 36 (CANCELED)

CLAIM 37 (CANCELED)

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tammara Peyton whose telephone number is (571) 272-4157. The examiner can normally be reached between 6:30 - 4:00 from Monday to Thursday, (I am off every first Friday), and 6:30-3:00 every second Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Huynh can be reached on (571) 272-4147. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300. Any inquiry of a general nature of relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-2100.

Mailed responses to this action should be sent to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231.

Faxes for Official/formal (After Final) communications or for informal or draft communications (please label "PROPOSED" or "DRAFT") sent to:

(571) 273-8300

Hand-delivered responses should be brought to:

USTPO, Randolph Building, Customer Service Window
401 Dulany Street
Alexandria, VA 22314.

**TAMMARA PEYTON
PRIMARY EXAMINER**



Tammara Peyton
July 11, 2007